

# Mann v. Plus One, etc.

14 messages

Deborah MartinNorcross <dmnorcross@martinnorcross.com>

Thu, Jul 31, 2008 at 12:10 PM

To: chidieze@yahoo.com, "numoh@umohlaw.com" <numoh@umohlaw.com>

Cc: "Harold Derschowitz (x263)" <HDERSCHOWITZ@lskdnylaw.com>

Dear Messrs. Eze and Umoh:

As set during the July 7, 2009 pre-motion conference with the Court, Plaintiff's deposition is scheduled for August 5 and 12. Both depositions will be at the offices of Lester Schwab Katz & Dwyer at 120 Broadway, starting at 10:00 a.m.

The Court has ordered Plaintiff to remedy the deficiencies in her discovery responses within one week of July 30, 2009. Plaintiff's complete supplementation therefore is due on August 6, 2008, the day after our deposition of her. We have no latitude over the deposition schedule because you did not afford us the basic courtesy of checking defendants' availability before pronouncing the August 5 through 12 time period as when Plaintiff would appear, and the only dates when defendants and counsel all are available within your unilaterally selected time frame are the 5th and 12th

Although you are not required to do other than what the Court has ordered, we nonetheless request that you provide us with the court-ordered supplementation so that it is received by us by 10:00 a.m. on Monday, August 4. If you cannot or will not comply with this request, please be on notice that we may have to ask the Court to require Plaintiff to appear again once we have received and reviewed her supplementation.

Please provide us with a written response to this request today.

Deborah Martin Norcross

MartinNorcross LLC  
60 Marion Road West  
Princeton, NJ 08540  
(609) 249-5860  
(609) 945-3912 Fax  
dmnorcross@martinnorcross.com

Fri, Aug 1, 2008 at 12:16 AM

Nkereuwem Umoh <numoh@umohlaw.com>

To: Deborah Martin Norcross <dmnorcross@martinnorcross.com> Filed 09/03/2008 Page 2 of 7

Cc: "chidieze@yahoo.com" <chidieze@yahoo.com>, "Harold Derschowitz (x263)"<HDERSCHOWITZ@lskdnylaw.com>

The plaintiff is coming in on the 5th of august in the evening and we need a day to prepare her for her deposition and also a bit of a rest after a long flight. For these reasond we ask that her first deposition be any day after the 5th. The 12th is fine for all parties.

Thank you

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Fri, Aug 1, 2008 at 8:58 AM

Harold Derschowitz (x263) <HDERSCHOWITZ@lskdnylaw.com>

To: Nkereuwem Umoh <numoh@umohlaw.com>

Cc: Deborah MartinNorcross <dmnorcross@martinnorcross.com>

Dear Uwem: As previously discussed, the only dates all counsel are available during the time period you indicated your client would be available, are 8-5-08 and 8-12-08, which is why those dates were previously confirmed during the 7-7-08 conference with the Court. If plaintiff is not prepared to be produced on 8-5-08, then the earliest date plaintiff's deposition can commence is 8-12-08.

Sincerely,

HAROLD J. DERSCHOWITZ, ESQ.

Lester Schwab Katz & Dwyer, LLP

120 Broadway

New York, N.Y. 10271

Tel: (212) 341-4263

Fax: (212) 267-5916

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**From:** Nkereuwem Umoh [mailto:[numoh@umohlaw.com](mailto:numoh@umohlaw.com)]

**Sent:** Friday, August 01, 2008 12:16 AM

Fri, Aug 1, 2008 at 11:18

Deborah MartinNorcross <dmnorcross@martinnorcross.com>

Case 1:07-cv-05691-NRB

Document 36-23

Filed 09/03/2008

Page 3 of 7

AM

To: Nkereuwem Umoh <numoh@umohlaw.com>

Cc: "chidieze@yahoo.com" <chidieze@yahoo.com>, "Harold Derschowitz (x263)" <HDERSCHOWITZ@lskdnylaw.com>

Dear Uwem:

Mr. Derschowitz correctly recounts the commitments you made in the July 7 conference with the Court. I am at a complete loss to understand how you could have committed to producing Plaintiff on the morning of August 5 if she was not arriving until that evening. As you were unequivocally advised in the July 7 conference, defendants and counsel are not available on August 6-7-8 or August 11.

We will make one final accommodation to your client. We will start her deposition on August 12, and continue it on either August 14 or August 15. Even that accommodation will require that we make changes to previous commitments. Please therefore confirm this alternative arrangement promptly, but in no event before the close of business today.

Thank you.

Deborah

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Deborah MartinNorcross <dmnorcross@martinnorcross.com>

To: dave.milani@plusone.com

Fri, Aug 1, 2008 at 11:20 AM

----- Forwarded message -----

numoh@umohlaw.com <numoh@umohlaw.com>  
To: Case 1:07-cv-05691-NRB Document 36-23 Filed 09/03/2008  
Cc: "chidieze@yahoo.com" <chidieze@yahoo.com>, "Harold Derschowitz (x263)"  
<HDERSCHOWITZ@lskdnylaw.com>

Fri, Aug 1, 2008 at 4:44 PM  
Page 4 of 7

We appreciate the courtesy. Plaintiff's deposition is confirmed for the 12th. She is calling her airline to see if she can change her return date and will let me know what, if any, date the airline gives her by monday.

Uwem I. Umoh  
255 Livingston Street,  
4th Floor  
Brooklyn, NY 11217  
718.360.0527  
800.516.5929 (Fax)

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----- Original Message -----

Subject: Re: Mann v. Plus One, etc.  
From: "Deborah MartinNorcross" <dmnorcross@martinnorcross.com>  
(Quoted text hidden)

Deborah MartinNorcross <dmnorcross@martinnorcross.com>

Fri, Aug 1, 2008 at 5:06 PM

To: "numoh@umohlaw.com" <numoh@umohlaw.com>  
Cc: "chidieze@yahoo.com" <chidieze@yahoo.com>, "Harold Derschowitz (x263)"  
<HDERSCHOWITZ@lskdnylaw.com>  
Bcc: dave.milani@plusone.com

Uwem --

Monday is the day before her deposition is confirmed to start. Even though you and your client have had close to a month since the conference with the Court to deal with this, here we are again on a Friday with yet another last minute cancellation.

I cannot agree to extend this further "courtesy" by agreeing to adjourn the 5th unless and until we have firm alternative dates from your client. If we do not have that confirmation by 8:00 a.m. Monday morning, we will have no alternative but to call the Court and request an emergency conference. I suggest you or your client do whatever is necessary this weekend.

Please be reminded that you also must supply your discovery supplementation, including but not limited to complete answers to all of Defendants' interrogatories, by August 6.

Deborah

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**numoh@umohlaw.com <numoh@umohlaw.com>**

**Sun, Aug 3, 2008 at 8:00 PM**

To: Deborah MartinNorcross <dmnorcross@martinnorcross.com>

Cc: "Harold Derschowitz (x263)" <HDERSCHOWITZ@lskdnylaw.com>, chidieze@yahoo.com

At the conference, I stated that plaintiff will arrive on the 5th of August, not that she would be available on the morning of the 5th of August. Ms. Mann's flight arrives at 8.45 pm on August 5, 2008.

However, since her deposition is confirmed for the 12th of August Judge Buckwald stated that a first deposition would determine if an additional 7 hours of deposition is necessary, let's hold the first deposition on August 12, 2008 . Also, in the event Ms. Mann is unable to get her flight schedule changed, she is willing to be deposed beyond 7 hours on August 12, 2008

To: Deborah MartinNorcross <dmnorcross@martinnorcross.com>

Cc: "chidieze@yahoo.com" <chidieze@yahoo.com>, "Harold Derschowitz (x263)"

<HDERSCHOWITZ@lskdnylaw.com>

Ms Mann has not been able to confirm an alternate return date as yet . She l'd available to be deposed late on the 5th and on the days in between. Her deposition is confirmed for the 12th. She is willing to be deposed longer than 7 hours on the 12th and is also available for part of the 13th as her flight currently leaves on the 13 at 4.30pm.

She is still working on getting a different return date.

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**Harold Derschowitz (x263) <HDERSCHOWITZ@lskdnylaw.com>**

Mon, Aug 4, 2008 at 9:54 AM

To: numoh@umohilaw.com

Cc: Deborah MartinNorcross <dmnorcross@martinnorcross.com>, chidieze@yahoo.com

Dear Uwem. I must strenuously disagree with your claim that you did not agree to produce your client for deposition purposes on 8-5-08 and 8-12-08, during the telephone conference with the Court on 7-7-08. These dates were clearly identified during the conference as the ONLY dates at which defendants' counsel were both available to conduct said depositions, in response to your last minute offer to make the plaintiff available from 8-5-08 to 8-12-08. Your claim to the contrary is simply untrue.

Sincerely,

HAROLD J. DERSCHOWITZ, ESQ.

Lester Schwab Katz & Dwyer, LLP

120 Broadway

New York, N.Y. 10271

Tel: (212) 341-4263

Fax: (212) 267-5916

**To:** Deborah MartinNorcross

**Cc:** Harold Derschowitz (x263); chidieze@yahoo.com

**Subject:** RE: Mann v. Plus One, etc.

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Lester Schwab Katz & Dwyer, LLP

<http://www.lskdnylaw.com>

New York: (212) 964-6611

New Jersey: (973) 912-9501

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Mon, Aug 4, 2008 at 10:16

AM

**Harold Derschowitz (x263) <[HDERSCHOWITZ@lskdnylaw.com](mailto:HDERSCHOWITZ@lskdnylaw.com)>**

To: Nkereuwem Umoh <[numoh@umohlaw.com](mailto:numoh@umohlaw.com)>

Cc: Deborah MartinNorcross <[dmnorcross@martinnorcross.com](mailto:dmnorcross@martinnorcross.com)>, [chidieze@yahoo.com](mailto:chidieze@yahoo.com)

Dear Uwem: I am not going to engage in a battle of semantics with you. You clearly stated during the 7-7-08 conference call with the court, that your client was available to be deposed between 8-5-08 and 8-12-08, and did not voice any objection when we chose 8-5-08 as the first deposition date during said conference call. I am confident that the Court's own record/notes of the conference would reflect same. Why should we now be limited in the time to depose the plaintiff on 8-13-08? Under the circumstances, I think plaintiff should simply reschedule her flight back to a later date.

HAROLD J. DERSCHOWITZ, ESQ.

Lester Schwab Katz & Dwyer, LLP

120 Broadway

New York, N.Y. 10271

Tel: (212) 341-4263

Fax: (212) 267-5916